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Fifty-seventh session
Item 11(c) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: FREEDOM OF EXPRESSION

Written statement*/ submitted by Reporters without Borders-International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE. *200'0''266*

ENG

Afghanistan

The Taliban and the media
A country with no news and pictures

Introduction
During the night of 26 September 1996, the Taliban militia entered the Afghan capital of Kabul and took control of the city. One of their first moves was to lock up the premises of national television and ban all TV broadcasts. Four years after they took power, the Taliban and their allies control more than 90% of the country. Their most recent military victories mean they are likely to gain permanent control of the valleys held by the opposition, particularly the Panjsher valley, currently held by Massud. Law and order reigns in Kabul. Afghanistan is now known as the Islamic Emirate of Afghanistan and Sharia (Islamic law) has been brought into force. The Taliban have introduced radical reforms, particularly concerning the status of women. Press freedom, which was already threadbare under the Taliban's predecessors, has totally disappeared. All television broadcasts have stopped and the TV building is being used as a barracks. The sole radio station, which covers the whole country, puts out only religious programmes and official propaganda - even music has no place on the Taliban's airwaves. The printed press - no more than ten publications throughout Afghanistan - is under government control. Only foreign media, working with the help of dozens of Afghan journalists living in exile, are trying to supply impartial news to a population manipulated by the "theology students".

The Taliban have shown no qualms about murdering Afghan journalists who have fled to Pakistan. Many more have been threatened after writing reports criticising the Taliban's domination of that country. These relentless attacks on press freedom are underpinned by the religious precepts taught in the *madrasas*, Pakistan's Quranic schools. The danger that Pakistan, and particularly North-West Frontier Province, may also come under the Taliban's influence is increasing as Pakistani religious movements engage in a power struggle with the military government over cable television.

The press is sacrificed
The Taliban victory of 1996 marked the start of a complete takeover of the press: journalists fled the country by the dozen and new teams, made up of militiamen, "Pakistani advisers" and former journalists, were brought in to replace them. The Taliban arrested any journalists who had not managed to escape or go into hiding. **Khalil Rostaqi**, an intellectual and journalist with the newspaper *Mayan*, was arrested a week after the taking of Kabul and held for six months. Around the same time **Abdulhanan Rahimi**, a national television reporter, was arrested at his home. Accused of spying for General Massud and compiling *"reports hostile to the Taliban"*, he was kept in a cellar for five months with three other people. Before he was released, one of his captors warned him: *"If you're arrested a second time, you're as good as dead."*

One Afghan journalist who recently returned to Kabul was categorical: *"There are no journalists left in Afghanistan today. They are working as religious officials. They are formally forbidden to write anything."* Another journalist, living in exile in France, took a similar view of those working for the country's only radio station, *Radio Sharia*: They put out 12 hours of programmes per day with no journalistic content whatever, and no songs. Sermons alternate with religious debates and propaganda in which they insult Massud and the Americans."

by the department, register all their professional equipment with the relevant ministry and renew their work permits every year. Finally, bureau chiefs representing international media are obliged to attend government press conferences and to check that only the name "Islamic Emirate of Afghanistan" appears in their reports. No penalties for the infringement of these regulations are specified in the documents issued by the authorities.

Journalists in exile threatened

After the Taliban took Kabul and Jalalabad, most journalists fled either to parts of the country under opposition control or to Pakistan, Iran or Tajikistan. **Latif Pedram** went into hiding when the Taliban arrived for fear of being "*beheaded*". "*Exile has become the only way to survive when you're an Afghan journalist*", he said. The United Nations High Commission for Refugees has helped about ten journalists to go to western countries from Peshawar. Dozens more have reached a host country under their own steam. Afghans fleeing the Taliban have met up with others who left the country to escape the communists or the Mujahideen. Some have launched new media, while others are working for the five international radio stations that broadcast programmes in Farsi. Their broadcasts, and particularly those of the *BBC*, are extremely popular in Afghanistan. Latif Pedram said: "*The international stations are the only mass media Afghanistan has ever known. They are both a lifeline and a window opening up to the rest of the world.*"

These journalists are not out of danger just because they have left the country. Two Afghan reporters have narrowly escaped murder attempts in Pakistan since 1996. At least five others have been attacked or received death threats. Investigations by the Pakistani police, which are often slapdish, have provided no clues to the identity of the attackers.

A "talibanisation" of Pakistan?

"*We shall not hesitate to use all the means at our disposal to force the government to close down cable television channels in this country*", warned Ehsan-ul-Haq, one of the leaders of the Islami Muttahida Inqilabi Mahaz movement, which groups 21 fundamentalist Moslem organisations in Pakistan. In June 2000 the religious movements of this country launched a campaign against cable television operators, which were authorised by the federal government at the start of the year. To stir up their supporters against "*vulgar and obscene*" TV programmes, the religious leaders issued a fatwa calling on all Moslems to "*rise up against the Devil*" represented by cable operators.

The Pakistani religious movements have the power to impose some of their points of view to the local authorities, alternating political pressure, threats, demonstrations and acts of sabotage. The existence of a varied press, a basic element in Pakistan's liberal Islam, has never been publicly questioned by the religious leaders. But there are fears that their pleas for stricter enforcement of Sharia law may result in censorship.

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GE. *200'01''270*

ENG

PRESS FREEDOM IN IRAN

On 31 January 2001, eleven journalists are imprisoned for sentences from four months to ten years. Since April 2000, more than 30 reformist publications have been banned. This wave of arrests is part of a larger effort by conservatives to repress press freedom. Following their defeat in the February legislative elections, the regime's hardliners launched an attack against reformers and their key supporters, the press.

On 17 April, the outgoing Iranian parliament, dominated by conservatives, notably adopted a controversial bill, reinforcing sanctions for violations of the press law. This law bans a newspaper that has been suspended from being published under another name. This practice was widely used by reformist newspapers that were banned in 1999: *Salam* became *Bayan*, *Neshat* gave way to *Asr-E-Azdegan* and *Khordad* changed its name to *Fath*. Another clause in the law stipulates that "those who belong to or sympathise with counter-revolutionary groups or illegal political organisations, those sentenced by the revolutionary courts for damaging state security, and those who distribute propaganda hostile to the Islamic government are in no circumstances authorised to be employed by a publication." That means that journalists who have already been convicted of offences will never again be allowed to practise their profession. The law also states that the granting of a publication licence requires "prior approval from the intelligence, justice and police ministry". In the past, only the approval of the culture ministry was necessary. Under the new law, the content of publications may be regarded as the responsibility not only of publishing managers but also of the journalist who wrote the offending material, who is then regarded as an accomplice to the offence. Other clauses in the law ban "any direct or indirect foreign aid to newspapers" and the publication of articles criticising the constitution. In August, the parliament tried to reform the law, but the effort was blocked by Ayatollah Khamenei.

On 31 January 2001, eleven journalists are imprisoned.

Morteza Firouzi, editor-in-chief of the newspaper *Iran News*, was arrested in May 1997. After a trial held in camera in January 1998, the journalist was sentenced to death for "adultery" and "spying for Japan, South Korea and France". On 3 June 1998, shortly before the execution was due to take place, the supreme court quashed the death sentence and referred the case back to a regional court. There has been no news of the journalist since.

On 27 November 1999, the special clerical court sentenced Abdollah Nouri, managing editor of the daily *Khordad*, to five years' imprisonment and a fine of 15 million rials (5,000 euros). It also ordered the closure of his newspaper and banned him from working as a journalist for five years. He was charged with "anti-religious propaganda", "insults against Imam Khomeyni", "destabilisation of public opinion", "contact with the United States", etc.

On 10 April 2000, the appeal court sentenced Mashallah Shamsolvaezin, editor of the daily *Asr-E-Azdegan* and former editor of the banned daily *Neshat*, to two and a half years in jail for "attacking Islam". The press court had given him a three-year sentence in November 1999.

On 23 April, Latif Safari, managing editor of the banned reformist daily *Neshat*, was jailed. In November 1999 he had been sentenced by the press court to two and a half years' imprisonment and banned from all journalistic activity. His newspaper *Neshat* had been banned in September 1999 for publishing articles in which it gave a modern view of islam regarding to the death sentence.

On 29 May, Emadoddine Baghi was taken into custody after a hearing before the press court. On 17 July, he was sentenced to five and half years' imprisonment for "attacking national security" and "publishing false information" because he gave a modern view of islam regarding to the death sentence in the daily *Neshat* in September 1999. On 23 October, the appeal court reduced Emadoldin Baghi's sentence to three years' imprisonnment.

On 30 December, the hodjatoleslam (religious title) Ali Afsahi, editor-in-chief of the cultural and sport publication *Cinama-Varzech* was sentenced to four months' imprisonment by the Special Court of the Clergy. The clergyman and editor-in-chief was arrested after his trial and convicted for "insulting and libelling the clergy".

On 13 January 2001, four journalists; Khalil Rostamkhani, Akbar Ganji, Ezzatollah Sahabi and Meranghiz Kar were sentenced for periods from four to ten years. With the exception of Khalil Rostamkhani, who did not take part; Akbar Ganji, Ezzatollah Sahabi and Meranghiz Kar participated in a conference held in Berlin on April 7 and 8, 2000 under the title "Iran after the elections". The gathering was termed "anti-Islamic" and "anti-revolutionary" by Iranian television, which broadcast part of it on April 18. The journalists, who are mostly relatives or supporters of President Khatami, were accused of having "damaged national security".

Akbar Ganji, journalist with *Sobh-é- Emrouz*, was jailed for ten years and; at the end of his sentence to internal exile (meaning no right to leave the country nor to live in Teheran). The journalist, imprisoned since April 22 at Evine jail in Teheran, said during one hearing in his trial that he had been tortured. Besides his participation in the controversial conference, he was accused of having implicated in his articles Iranian personalities - including former President Ali Akbar Hashemi Rafsandjani and former Information Minister Ali Fallahian - in the murder of opposition figures and intellectuals in late 1998.

Khalil Rostamkhani; journalist with the *Daily News* and *Iran Echo* and the director of a translation agency, was jailed for nine years for organising the conference even though he did not actually attend. Arrested on 8 May 2000, he was released on bail on 15 November.

Ezzatollah Sahabi, editor of the newspapaper *Iran-é-Farda*, was sentenced to four and a half years in jail, He was arrested on 26 June 2000 then released on bail on August 21. He was rearrested on December 17 and was recently transfered to a unknown place.

Meranghiz Kar, a writer, journalist for several reformist publications, and a lawyer, was jailed for four years. She was arrested on April 29, 2000 then released on bail on June 21.

Three other imprisoned journalists are waiting for the verdict of their trial.
Hassan Yussefi Echkevari; journalist with *Neshat* and *Iran-é-Farda*, has been accused of "subversive activities against national security" and "defaming the authorities", "damaging the standing of the clergy" and of being a "mohareb" (fighter against God). Jailed since August 5 2000, his sentence has never been made public. He is at risk of the death penalty.

On 7 August 2000, Ahmad Zeid-Abadi, journalist with the daily Hamchahri, was arrested at home. In October he complained about the insecurity in the part of the prison in which he was detained.

On 28 January 2001, Hoda Saber, one of the editors of the banned monthly *Iran-é-Farda*, was imprisoned. His wife, who stated that she is not aware of the reason for his arrest, is very concerned because she does not know where her husband is detained.

PRESS FREEDOM IN TUNISIA

Censorship is a basic element in the police state set up by President Ben Ali. The press – both private and official – is characterised by its uniform tone. All information likely to be used to criticise the government is censored, even in areas which seem far removed from issues of state, such as the environment and cultural heritage. Before publication, politically sensitive articles are sent to the interior ministry, although journalists often prefer to censor their own work rather than risking trouble.

The authorities have transformed a system of registration which originally was simply a formality for archiving purposes into an instrument of censorship. Every edition of a newspaper has to be submitted to the interior ministry for registration before publication. Refusal by the ministry to register it amounts to a ban. Moreover, several applications for authorisation to publish filed by new titles have gone unanswered. On 16 November 1999, for exemple, Sihem Ben Sedrine filed an application with the interior minister for authorisation for a new title *Kalima*. The police administrative services refused to register his application. Because of this ban she decided to create a webmagazine, www.kalima.com. But the authorities also sought to control the emergence of the Internet. In 1996, Internet access was finally authorised, but it remains narrowly controlled by the State, with the creation of the Tunisian Internet Agency (ATI) which supervises the two only companies providing access to the world network. These two private companies, planet.tn and globalnet.tn, have close links with the regime; one is run by President Ben Ali's daughter and the other by a person close to a family member. And access to some sites, like www.kalima.com or www.rsf.fr (Reporters sans frontières website) whose addresses have been previously recorded is permanently blocked.

The year 2000 was marked by Tawfik Ben Brik's hunger strike in April and May. The journalist with the daily *La Croix* and the *Infosud* and *Syfia* news agencies, wanted to protest against the steady harassment by the Tunisian authorities : anonymous threatening phone calls, his phone and fax lines cut, his home kept under police surveillance, confiscation of his passport, his car vandalised, insults, aggressions etc.

Other journalists who dared to criticise the regime, have been threatened in 2000 and 2001. On 15 December 2000, plainclothes police officers assaulted Sihem Bensedrine, director of the weekly *Kalima*, as she was going to the Ministry of Health to give the minister a petition protesting Marzouki's improper dismissal from the Sousse Faculty of Medecine. A few hours before the attack, Sihem Bensedrine found that her car had been searched. She found a knife in the back seat of her car, which she believes was left as a death threat. On 26 January 2001, several dozen plainclothes police officers took up position in front of Ben Brik's home. At the time, about 100 people had gathered at the Tunisian journalist's home for a press conference launching the newspaper *Kaws el Karama* (*The Arch of Dignity*), edited by his brother, Zoghlami. The police officers stopped people from entering Ben Brik's house and followed other individuals who were leaving. An activist from the student movement Slah Hind was beaten by the police officers, who also confiscated copies of the newspaper from persons who were leaving Ben Brik's home. The first issue of *Kaws el Karama* carries the headline: "Ben Ali, thirteen years, basta!".

On 12 January, the Tunisian authorities seized issue 198 of the weekly *El Mawkif* at the printing house. The authorities provided no explanation for their action. This issue of the newspaper included the manifesto of the National Conference on Freedoms and Democracy, which was held in Tunis on 1 July 2000, as well as articles about the recent trials of human rights activists. Because of its independent stand, this weekly, an organ of the Progressive Socialist Union (Rassemblement socialiste progressiste), is the only opposition newspaper to be denied the public subsidy and advertising inserts allocated by the state and public and semi-public companies.

Two Islamist journalist have been jailed since 1992. Hamadi Jebali, managing editor of the weekly *Al Fajr*, the unofficial organ of the Islamist movement Ennahda, was sentenced by a court martial in Tunis to 16 years' imprisonment for "aggression with the intention to change

the nature of the state" and "membership of an illegal organisation". He had just spent a year in jail after being sentenced on 31 January 1991 for publishing an article criticising the system of military courts. Abdellah Zouari, also with *Al Fajr*, was arrested on 12 April 1991 and sentenced to 11 years' imprisonment for "membership of an illegal organisation". The two journalists were tried on 28 August 1992 with 277 members of the Ennahda movement, for "an Islamist plot". International standards of fairness were flouted (vague charges, torture, arbitrary detention, limited access to lawyers). Since their sentence Hamadi Jebali and Abdellah Zouari have been held in harsh conditions: over-crowded cells, problems obtaining medicines, limited family visits and pressure on their lawyers.

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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement*/ submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2001]

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GE. *200 01 337*

ENG

The right to self-determination: Some African countries under the sway of the former colonial power

The *International League for the Rights and Liberation of Peoples (LIDLIP)* has for the last years been concerned with the activities of world oil's companies and in particular with those of **ELF Aquitaine** in Africa On the basis of numerous witnesses and documents, it appears that in order to increase their profits in ever more competitive markets, the companies are obliged to accumulate and concentrate power. That is done on the one hand by merging among themselves into ever more powerful transnational corporations and on the other hand by relying more and more on local political powers. This is a process which can even lead them to crush the fundamental rights of the peoples whose natural resources they are exploiting.

Dealing particularly on the case of ELF Aquitaine, the *Permanent Peoples' Tribunal* (*) pronounces in its deliberations by pointing out a certain number of legal principles called into question in these situations and by making in this regards a few recommendations:

> "1. The major violation resulting in this case from the intervention of ELF and the French state, in different degrees according to various periods and countries, is that of the right to self-determination. Article 1, common in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, affirms its right of all peoples to self-determination, to wit either to freely determine its political status, to freely pursue their economic, social and cultural development, to freely dispose of their natural wealth and resources. The Universal Declaration on the Rights of Peoples (called Algiers Declaration) proclaims also the right to political self-determination to break free from any colonial domination as well as the exclusive right over its natural wealth and resources.
> The debate extensively showed that the countries under the influence of ELF saw their right to self-determination greatly violated. What is the effect of the economic spin-off of the oil manna on the peoples of the producing countries? What is the political autonomy when elections largely depend on oil interests?
>
> 2. Violations of economic, social and cultural rights are the direct consequence of the violation of the right to self-determination. The right to a minimum income (Art. 11 International Covenant on Economic, Social and Cultural Rights) to health (Art. 12) to education (Art. 13) are not guaranteed in any of the countries, although these countries possess great wealth. Only one example: Gabon, a country classified lower than some of the poorest countries in the world, with regard to public health (19 physicians for 100 000 inhabitants); life expectancy 56 years); infant mortality (one child out of seven); and education (more than a third of adults are illiterate). Figures of most other countries are similar.
>
> 3. Civil and political rights are not respected any more than economic, social and cultural rights. Freedom of association and of expression (Art. 22 and 19 of the International Covenant on Civil and Political Rights) are not better protected than freedom for trade unions (Art. 8 of the International Covenant on Economic, Social and Cultural Rights). The right to life is the most violated of all. The recent history of Congo is a succession of deadly conflicts and massacres in flagrant violation of art. 6 of the International Covenant on Civil and Political Rights.
>
> 4. The field of economic rights is also the field of external intervention with the complicity of often corrupt leaders. Massive electoral fraud is the rule everywhere,

despite the set up of electoral commissions in charge of monitoring and the presence of international observers. [...]. What about the right of the citizen to take part in the direction of public affairs, be it directly or through the intermediary of representatives freely chosen to vote [...] during free elections [...] assuring the expression of the will of the voters [...]" and defined in article 25 of the International Covenant on Civil and Political Rights?

5. Environment and developmental rights are no better protected either. Exploitation occurs mostly at the price of pollution of the regions concerned, to the detriment of indigenous populations who do not receive the benefits. As a theoretical source of corruption, exploitation increases the corruption factor in practice and increases the gap between rich and poor. External intervention, contrary to art. 11 of the Algiers Declaration, far from contributing to the development of the countries where the companies are operating, becomes an obstacle to sustainable development, to the rights of every man and woman who live in a country and to the guarantee of the rights of future generations.

Can the transnational corporations, in particular the ELF, be held responsible for grave violations? Article 27 of the Algiers Declaration states that "The gravest violations of the fundamental rights of peoples, especially of their right to existence, constitute international crimes for which their perpetrators shall carry personal penal liability."

One can propose the following as a tentative response. Surely, the Declaration of Human Rights assigns responsibility for human rights to states and not individuals. But can immunity be admitted for acts committed by enterprises with the complicity of states where they have their headquarters and states where they operate? Once the international community has created international ad hoc tribunals and decided to create an international criminal court, can transnational corporations - and especially individuals who manage them - take refuge in a legal void in the name of sovereignty of states?

The responsibility of transnational corporations must be measured according to the power they exercise. They must answer for damage caused to persons, goods, and the environment in the countries where they operate and make profit.

It is on this principle that the responsibility of ELF for the damage caused to the population in African countries where it operates is founded. The same responsibility holds equally for the French state for its cooperation in illicit acts alledged to ELF and, consequently, for violations of human and peoples' rights. The responsibility of heads of states and governments who have been accomplices to such acts is thus established.

Finally, as a consequence, the *Permanent Peoples' Tribunal*:

"- requests the shareholders of ELF to inquire into the acts of the company in African countries where it operates and to ask for an open and impartial accounting of these acts;

- requests the National French Assembly to set up an inquiry commission on the relationship between the French government, ELF and the governments of African countries where it operates;

- requests the European Union to include in its agenda the renegotiating on the renewal of the Accords of Lomé and the question of the relationship among multinational oil companies and the countries in the ACP region, in particular the African countries;

- requests the Commission on Human Rights to recommend to the Sub-Commission on the Promtion and Protection of Human Rights to examine the question of violation of human and peoples' rights deriving from the relationship between multinational oil companies and certain states."

(*) The ***Permanent Peoples' Tribunal*** was created in 1979 by a group of personalities, of different nationalities and background, at the instigation of the Italian Senator Lelio Basso (1903-1978), former member of the Russell Tribunal. Functioning as a tribunal of opinion, this international body receives complaints from peoples subjected to injustice of any kind. As such, the Tribunal aims to fill a void in the international juridical order in the field of rights of national communities or ethnic minorities. Since its founding, it has investigated and deliberated some 30 cases. In May 1999, it held in the premises of the National Assembly in Paris a session on the activities of transnational corporations.

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THE RIGHT TO DEVELOPMENT

Written statement*/ submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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GE. *2001-0333*

ENG

Obstacles to the right to development: control of natural resources by transnational corporations

The *International League for the Rights and Liberation of Peoples (LIDLIP)* has for the last years been concerned with the activities of world oil's companies and in particular with those of **ELF Aquitaine** in Africa. On the basis of numerous witnesses and documents, it appears that in order to increase their profits in ever more competitive markets, the companies are obliged to accumulate and concentrate power. That is done on the one hand by merging among themselves into ever more powerful transnational corporations and on the other hand by relying more and more on local political powers. This is a process which can even lead them to crush the fundamental rights of the peoples whose natural resources they are exploiting. They succeed in this performance even more easily as they collude with political powers in place.

Therefore, on the basis of findings of the *Permanent Peoples' Tribunal* (*) Elf-Aquitaine stands as:

> "An autonomous public enterprise which applies common trade law and that of the sovereign African states. In reality, the management of oil business is assured by a parallel and obscure decision-making process involving French political leaders, company managers and African political leaders. They rely on the confidentiality of state services, protected by official secrecy. In this system, ELF, in all company consortiums where it is present in Africa, plays the role of a shareholder that holds a priviledged relationship with the public sectors, which allows it to register its activity under the framework of specific discretionary settlements authorizing the maximization of tax and financial deductions. [...]
> Such dynamics may converge to produce social and political instability of African states, going as far as inciting foreign companies to get involved in police operations of a state and furthering risks of civil war, even war between states. That is how Africa has become a permanent battle field. In fact, disintegration of the apparatus of sovereignty and the weakening of economic regulation have gone so far as to cause renunciation of public standards to the point of privatization of state functions and criminalization of its practices."

Such realities occur differently from one country to another.

> "In an extreme, there is Chad where oil pumping has not yet started but where the most spectacular conditions of alienation already exist with social rules reduced to a minimum. On an economic level, the set up for the exploitation and transport of oil via Cameroon presages a huge plundering:
> - secrecy concerning tax reserves, their squandering and confiscation;
> - projected launching of a refinery programmed for bankruptcy in order to drain off financial resources at the time of initial investment, during ten years of exploitation and at the time of liquidation;
> - predicted deterioration of the immense underground water tables, the only wealth of the region ...
>
> On a political level, the civil and military authority are entirely controlled by the oil companies even before the start up of production. More seriously, the Chadian army

has already been playing the role of the police in a great number of regional conflicts for several years. To this respect, one can already speak of terrorism in action.
At another extreme, there is Cameroon where for twenty years oil revenues have totally escaped every public accountability, be it national or international and where misapproprations regularly exceed a third of the project's income. Such practices have of course been possible because of the political arbitrariness and because of a lack of any institutionalized law enforcement making particular institutionalized violence unnecessary.

Without any doubt, ELF is not the only transnational corporation in the oil sector, but
"ELF is an exemplary case which does not hesitate to commit human and peoples' rights violations.

"ELF and the French State systematically denied peoples' rights to sovereignty. As an illustration, only a few cases emphasized in the reports and witnesses, among those presented to the Tribunal, are mentioned hereafter.

ELF and the French state are responsible for systematic and repeated violations of civil and political rights.
In Gabon, ELF co-finances and organizes the presidential guard, which takes the lead in repression. In Nigeria, ELF makes its own paramilitary security forces intervene to protect its oil installations (April 1999, complaints lodged for aggression of women and children wounded by bullets). Furthermore, the Nigerian police assures the repression of women's demonstrations asking ELF to guarantee agreements passed with the communities. In Cameroon, as in other countries, intimidation against journalists and restrictions of freedom of expression, of assembly and of trade union rights, all instigated by ELF are innumerable. All those who in one way or another contest ELF and ask that agreements be renegotiated are persecuted or disappear.

ELF and the French state are responsible for systematic and repeated violations of democratic rights. In Cameroon, President Biya holds power only with the support of ELF. In Gabon, after having reestablished Leon M'Ba in power, ELF chose Bongo to succeed him. In Chad, the accord with ELF allowed Dely to accede to power. Everywhere, generalized corruption poisons the whole society and leads to despair. In Cameroon, for instance, the secretary general of presidency Titus Edzoa who participated in the government before being poisoned without trial, revealed the breadth and depth of the systematic corruption. States are weakened, privatized and perverted. ELF and the French state are responsible for systematic and repeated violations of rights to development. In Cameroon, for years, oil income has been kept secret, as the sole discretion of the president. Between 30 and 50% of budgetary revenues were invested abroad while the population had no access to basic services. In Chad, financing of the refinery is considered as a major waste even by the World Bank; such investment serving to embezzle funds allocated for military interventions. The rights of future generations are flouted in Congo Brazzaville, as in all countries in which ELF operates. The countries are more and more indebted, capital flight being compensated for by the advance sale of the production and by indebtedness.

ELF and the French state are responsible for systematic and repeated violations of the right of people to peace. The French oil magnates encouraged the secession of Biafra. In Angola, they intervened preventing Savimbi and Dos Santos' victory thus further

prolonging the suffering of the Angolan people. They supported in arms and finance all the warring parties present in Congo Brazzaville, in Mobutu's Zaire, in Central Africa, in Rwanda, in Sudan. They utilized Gabon as a platform for arms sale and mercenaries in Biafra, in Benin. They contributed through civil wars and interventions to general and continued destabilization of Africa."

In total,

"although ELF maintains its own juridical personality, the Tribunal observes the persistence of close links between the company and the French state. The legitime research for energy independence by France has always implied the imposition of a system of domination instead of a relationship of interdependence and of integration on the basis of equality, at least potentially."

(*)The ***Permanent Peoples' Tribunal*** was created in 1979 by a group of personalities, of different nationalities and background, at the instigation of the Italian Senator Lelio Basso (1903-1978), former member of the Russell Tribunal. Functioning as a tribunal of opinion, this international body receives complaints from peoples subjected to injustice of any kind. As such, the Tribunal aims to fill a void in the international judicial order in the field of rights of national communities or ethnic minorities. Since its founding, it has investigated and deliberated some 30 cases. A session held in May 1999 in the premises of the National Assembly in Paris dealt specifically with the activities of transnational corporations.

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COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2001]

*/ This written statement is issued, unedited, as received in English, French and Spanish from the submitting non-governmental organization(s).

GE. *200 01 345*

ENG

Economic, social and cultural rights: The right to work violated by transnational corporations

The *International League for the Rights and Liberation of Peoples (LIDLIP)* has been concerned with problems within the **garment and sportswear industries**. This sector is fully engaged in an internationalization process in the pursuit of greater profits generated by delocalization of the industries. Among the effects on the workers of the host countries, different forms of denial of justice and of violation of legislation can be assessed.

In its judgment, the *Permanent Peoples' Tribunal* (*), after having heard witnesses from countries from Asia, Africa, Latin America and Eastern Europe and after having acquainted itself with numerous documents from trustworthy sources, the Tribunal observed the following violations :

"1. Extended working hours
In all cases studied, grave violations of labour laws have been reported in respect of working hours: 60, 70 or even 100 hours work per week; night work without extra payment; compulsory overtime, often without notice and on threat of dismissal; non respect of weekly rest days.

2. Insufficient remuneration
Wages below the legal minimum, itself often below subsistence level, in the country of the subcontracting firms; arbitrary deductions from wages of payments for food, lodging and transportation; delayed payments of wages; no extra payment for overtime hours; no compensation for workplace accidents; wages reduced in case of failure to respect excessive production targets; fines for minimal absence from work; different wage scales for men and women.

3. Disastrous working conditions
Unhealthy working conditions, created by heat, lack of ventilation, lack of space; lack of on-the-job safety measures, resulting in very high rates of work accidents; factory doors locked, representing a danger in case of fire, earthquake, etc.; lack of sanitary facilities, especially for women; an absence of day-care centers for children.

4. Violation of labour laws
Absence of work contracts; prohibition of trade unions; denial of collective conventions; arbitrary dismissals without compensation; compulsory overtime; non-enforcement of local laws on working hours, work conditions, minimum wage and security; lack of publication of codes of conduct when they exist; denial of the right to strike; a particular emphasis on the existence of child labour, in workshops or in their homes, often during long hours and in very unhealthy conditions.

5. Non respect of human dignity
Absence of privacy in the factories; dismissal of pregnant women; limits in the use of sanitary facilities; prohibition of marriage for girls; wages below basic family needs; sexual harassment of women workers within and outside the factory compound; child labour for sometimes more than 10 hours a day; physical punishment; locked factories transformed into kinds of jails."

In its conclusions, the Tribunal recognizes that these situations for being "analogous to the social conditions which existed in Europe and North America in the 19th century", but these are those imposed everywhere and in all times by "wild" capitalism, i.e. capitalism not counterbalanced by the workers' resistance. The companies defend themselves by citing the pressures of the competition and by shifting the responsibilities to their local subcontractors, and the Tribunal also held responsible of neo-liberal economic government policies which reduce government ability to protect their populations. Thus, it finally concludes that

> "the seven companies which it examined - Nike, Levi Strauss, H&H, C&A, Adidas, Otto Versand and Walt Disney - are all guilty not only of the breach of several norms of labour law, but also of lack of respect of human indignity and therefore of violations of fundamental human rights. According to information received by the Tribunal, such practices are common among the majority of the companies in the sector. The codes of conduct elaborated by the companies were never drafted in collaboration with the local workers. Most of the time, the workers were unaware of even the existence of such codes, and, worse, there is no guarantee of compliance with these codes. Monitoring them often remains on a matter of rhetoric, and the organs meant to be independently in charge of this task do not involve those directly concerned, i.e. the workers themselves and even less, indeed never, the trade unions. Most of the time companies in these fields enjoy total impunity. New forms of pressure are therefore necessary to change these unbearable situations".

In its verdict, the Tribunal:

> "- identifies the weakening of the trade unions and the States and the increased concentration of power in the hands of transnational corporations as elements which determine workers' rights [...] and expresses serious concern for the future of the rights of peoples, although sanctioning the constant obligation of states to protect these rights;
> - condemns the generalized violations of workers' rights in the garments and sportswear industry, violations affecting freedom of association, collective negotiation, equal wages, the minimum wage, dignity at work, health and security in the work place, all rights defined in ILO Conventions, in the Universal Declaration of Human Rights, in the Universal Declaration on the Rights of Peoples and in other international instruments;

- condemns the exploitation of women and discrimination against them in the work place as well as the lack of concrete measures to prevent sexual harassment of women, who represent 80 percent of the work force in the garment industry;
- condemns recourse to child labour which is prohibited by international instruments already mentioned as well as by the Convention on the Right of the Child but which is commonly practiced by these industries in spite of the denial of major manufacturers and distributors;
- condemns also the recourse to forced labour which is prohibited by ILO Convention 29 and by other international instruments but which, as borne out by evidence presented to the Tribunal, persists in the garment industry;
- condemns the utilization by major manufacturing companies of codes of conduct which aim at dissimulating the real work conditions which obtain in the sector [...], and at diluting legislation and national regulation stronger than the codes elaborated by these companies;
- condemns the generalized recourse by these same companies to their subcontractors in order to decline every responsibility regarding conditions in which goods they market and manufacture and in order to exacerbate insecurity of jobs among workers;
- [...]
- encourages [...] human rights movements to take cases before the competent tribunals against the manufacturers and to utilize other forms of pressure in order to prevent these companies from continuing to exploit workers producing goods these companies market;
- commends the follow up of efforts which aim at formulating and implementing codes of conduct in the garment industry establishing just standards for working conditions as well as efforts which aim at setting up compliance and monitoring mechanisms which the workers can trust and which guarantee fast redress in case of non-respect of codes of conduct."

(*) The ***Permanent Peoples' Tribunal*** was created in 1979 by a group of personalities, of different nationalities and backgrounds at the instigation of the Italian Senator Lelio Basso (1903-1978), former member of the Russell Tribunal. Functioning as a tribunal of opinion, this international body receives complaints from peoples subjected to injustice of any kind. As such, the Tribunal claims to fill a void in the international judicial order in the field of rights of national communities or ethnic minorities. Since its founding, it has investigated and deliberated some 30 cases. In the framework of its activities relating to **transnational corporations**, it devoted a special session to problems within the **garment and sportswear industries** (Brussels, 30.4.-5.5.1998)..

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement*/ submitted by the Islamic Women's Institute of Iran, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 1 0 1 3 0 5 *

ENG

1. As we commemorate Quds day for the year 2000 (1379 AHS), we are going through the saddest and most Painful of days and we are leaving behind us the most regrettable and disastrous of times. Our saddness and pain are on account of the innocent, defenceless people who have been martyred in the oppressed country of Palestine.

2. Almost 6 years have passed since the Beijing conference and the adoption by consensus by the entire international community of the "Beijing Declaration and Platform for Action" - in both of which the international community agreed on a wide range of lofty ideals and objectives as regards the protection and promotion of Women's rights and undertook to take effective action to that end. It is indeed a matter of grave concern that we are now witnessing crisis situations involving massive violation of human rights and fundemental freedoms of women and also massacre of a large number of civilian women and children in Palestine.

3. There are many cases of torture in Palestine but here, we would like to quote a news released by the Palestinian Working Women Society (PWWS) in November 2000 regarding the women workers' problems especially during the recent months.

4. In November 2000, a team from The Palestinian Working Women Society (PWWS) visited different working places in the West Bank and Gaza Strip to observe the workers' suffering, as well as the effect of this critical situation on them. About 2000 women were visited, working in extremely difficult conditions that these workers are suffering from. This is due to the following reasons:

- The siege and closures imposed by the Israeli authorities on the Palestinian occupation territories, which prevented the workers' arrival to their work places.

- Women working in tourism were completely fired from their jobs due to the absence of tourism during this critical situation.
- A group of women lost their jobs and they were not paid of the last period. Those working women who are still in their jobs, suffer lots of difficulties in reaching their working places, adding to this is the increase of transportation fees because the main roads are closed, therefore the drivers are forced to go through long dusty roads.

5. As reported by (PWWS), working women in Gaza have mentioned that they do not know their real wages despite the fact that they started to work long time ago. Their employers refuse to tell them of their actual wage. Therefore they get paid by fractions of their wage. They added that wages are getting lower in some sewing ateliers in Gaza to reach only 200 NIS ($50) per month or even less than that. Some women complained that their employers often demand that their employees work voluntarily during the weekends or considering some working days as a "support" for the ateliers without paying them.

6. Working hours could extend to 10 hours a day in some factories without pay for overtime hours often the employers use foul language with them and do not hesitate to cut down wages if the employees are late ten minutes in the fixed morning hours.

7. Women workers in the ateliers working on daily and not on monthly basis. Thus, they are not paid for the days when they are on leave due to sickness or in case of an emergency, or during the weekend. In general women employees do not know about the law that guarantees women's right pertaining to pregnancy and maternity leaves.

8. As to the timing of paying the wages there are no fixed dates and they are already so minimal. Nobody dares to ask the employer for a paycheque or her total wage.

9. Some working women mentioned that: after working for 11 years the employer has suddenly passed away. The inheritors have liquidated

the business. When they have asked for their rights of compensation they got $200 only covering their total of 11 years of service and on the condition that they sign a paper of exoneration relinquishing all their rights.

10. The rate of the men's wages who work equally in the same profession, sewing, is three times higher than their women colleagues this despite the fact that certain work that demands special skills are done by women.

11. Despite the sad facts mentioned above, according to a report released by the Palestinian Red Crescent, Palestinian women's participation in rescue operations and in emergency cases during the recent months was quite impressive, as they left their offices and joined their colleagues in the battle sites. According to MS. Randa Hamed from the Primary Health Care Unit of the Red Crescent the rate of women's participation in the rescue operation was higher than on previous occasions. She also added that some women have shown more alertness and readiness than their men colleagues. Fear, which is a natural sentiment, was almost non-existent, for women had no time to be scared, they were too busy carrying out their duties helping the victims of Israeli atrocities.

12. In theory, women have never been excluded from the UN's concept to human rights. The 1945 UN charter recognizes the equal rights of men and women and this principle has been maintained in the UN's formulations of human rights ever since. Hower several factors have prevented women from enjoying the promises made to them. There is still a huge gap between the articulation and implementation of human rights as it applies to women. Gender equality is not only a matter of social justice but also good economics. It is of foremost importance to women's well-being and development. Discrimination means losses in

productivity and lower welfare of women, their families, and society at large.

13. Generally speaking, women employees have the same difficulties everywhere and specially in the sewing business in Gaza Strip. The absence of law, oppressive conditions reaching medieval slavery, all this, is manifested in the total absence of the Ministry of Labour and its surveillance as well as the absence of Unionised Labour whose role non of the women is aware of.

14. These are the desolate conditions of working women in Gaza. Their plight is twofold: they are oppressed because they are labours and they are oppressed again because they are females.

15. Forceful action by the international community, including and in particular, the United Nations system, in militating against and stopping such trends of the violation of human rights of women in Palestine is imperative.

16. The voices of Gaza women beseech the decision makers, the Human Rights organizations, as well as the legal institutions to work seriously for the eradication of oppression that working women go through. Yet, it remains for working women to fight for their own rights for if they don't demand nobody will. Rights are taken but never given.

17. In Palestine women's problems have reached a critical level. Violence against women in the occupied territories has found an awful depth. Islamic Women's Institute of Iran condemns strongly the systematic violations of human rights of women in Palestine. We believe that it is time for the international community to come together and think seriously about the human rights situation in the occupied Palestine.

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: FREEDOM OF EXPRESSION

Written statement*/ submitted by the Islamic Women's Institute of Iran, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200-0309*

ENG

I would present myself as an activist in the field of the rights of people, specially in those areas related to the women's, having seventeen and a half years experience in working as a professional journalist.

The human rights is a word originating from the process of creation of the mankind; the concept has been referred to in various ways by the teachings of Divine religions and the commandments of human welfare. I come from Iran, a country where it is the religious fundamentals which normally define and determine the rights and duties of the people vis-a-vis the rulers. Hence, this is not absolutely an easy task to make an illustration of the freedom of expression and to make an assessment of its observation in Iran when there is lacking determination of the relevant religious foundations, and specially Islamic norms and criteria (which have been admitted by more than ninety eight percent of the Iranian population). This would not seem an exaggeration at all. In this summary determination, however, the criteria provided by the Iranian Constitution and its international commitments must also be considered:

1. In the Moslems' Holy Book, it has been revealed to Nabi Mokaram, the Prophet, "Then remind them!", because it is your duty to remind not to inspect and oblige them.[1] Also the servants are given good tidings when they listen to various words and pick up best of them.[2] In other place, God swears to Pen, and what is thereby inscribed.[3] In studying the narrations, traditions and style of life of grand personalities of Islam Religion, we would find protection of the freedom of expression and encouragement of Moslems to enjoy such freedom. For instance, Hazrat Ali (Peace be upon him), states that one who welcomes and makes assessment of various ideas and opinions, he will find the items of error and misconduct.[4] The Prophet of Islam says, "One who keeps silence and dumb side on a matter of truth and righteousness is a dumb and deaf Satan indeed". There are numerous cases in history of life of Islam's great men where the most serious opponents stated their word of criticism with complete freedom, without being subjected to the least possible sort of transgression and annoyance. These foundations clearly show that in Islamic approach, the notion of freedom of expression enjoys a very distinguished standing among the rights of human beings. Even in the social arena, the duty of commandment to goodness and impediment of evil is regarded as a public duty; with a freely enjoyment of freedom of expression, everybody is in the capacity to ban on evil and impede the rulers from

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[1] "Then remind them! Thou art only a reminder; thou art not charged to oversee them", [Holy Qur'an, The Enveloper, 88:22]

[2] "So give thou good tidings to My servants who give ear to the word and follow the fairest of it.", [Holy Qur'an, the Companies, 39:17-18]

[3] "By the Pen, and what they inscribe.", [Holy Qur'an, 68:1]

[4] Vasa'el Alshi'ite, vol.6, p.429

abuse of rights. Based on such a clear and bright foundation, evidently the statesmen in Islamic countries may not make barrier to or limitation on the human rights with reliance on the religious foundations; they must be treated with the required respect.

2. After the victory of the Islamic revolution in Iran (1979), the people voted for and admitted the Constitution. It is a fundamental instrument which insists on the rights of people for enjoyment of freedom of expression. Principle 3 of the Constitution, in 16 paragraphs enumerates the duties of State in the planning of the macropolicy, referring, inter alia, to the following:

...

2. To raise the level of public awareness in all areas by making proper use of the press, mass media and other means.

...

6. To eliminate all forms of dictatorship, autocracy and monopoly.

...

8. To seek public participation in the determination of their political, economic, social and cultural destiny.

In the meantime, Principle 23 of Iranian Constitution provides: "Investigation of one's beliefs shall be prohibited. No one may be offended or reprimanded simply because of having a certain belief."

Principle 24 declares: "Publications and the press shall have freedom of expression unless they violate the essentials of Islam or public rights...."

Finally, in Principle 175, in determination of the Iranian official broadcast media, it has been provided: "Freedom of speech and expression of ideas must be guaranteed at the Islamic Republic of Iran Broadcast (Radio & TV), with due observance of the principles and criteria of Islam and the interests of the country."

Thus, it is observed that the Constitution of Islamic Republic of Iran which is based on the religious criteria and norms accepted by the Iranian society, strongly provides for freedom of expression and freedom of mass media, and the State must observe those provisions. By virtue of Principle 9 of the Constitution, "...No authority shall be allowed to usurp legal freedoms and liberties on the pretext of safeguarding the national independence and territorial integrity, even by enacting laws and regulations.

3. The Islamic Republic of Iran, while standing as a signatory party to the Universal Declaration of Human Rights at the time of its announcement in 1948, it also later on adhered and joined to the International Covenant on Civil and Political Rights and

International Covenant on Economic, Social and Cultural Rights; based on the provisions of the said two Covenants, it is bound to observe the criteria and norms reflected in these instruments. In the Iranian legal system, either of the international instruments which Iran accepts and joins to them is regarded as a regular national law. We all know that the obligation for observation of freedom of speech and expression by the civilians have been most emphasised in Articles 18 & 19 of UDHR and ICCPR.

4. An objective study of the present situation from the viewpoint of observation of the freedom of expression in Iran indicates this fact that after lapse of 22 years from the revolution, and despite the above-explained theoretical foundations, the country has experienced a recycle of two phases of expansion and limitation in the matter of freedom of expression, while it has been involved during these years in various ups and downs. This process has been influenced by political and social evolutions and some events like the armed attack to Iran, eight years of war imposed by Iraq against Iran, terrorist activities of some groups.... However, this fact should not be ignored that during the recent three years, after the last Presidential elections, the national enthusiasm and interest for enjoyment of political freedoms have shown an incremental trend. Taking account of the governmental plans in this field, we have witnessed a very good opening in this scene, although the Iranian society unfortunately has also passed some bitter experiences during this same period, one of which is the closure of almost 20 dailies and publications and imprisonment of a number of the journalist by the judicial authorities. Upon the closure of the said dailies and publications, some other publications emerged in the society, of course, and they tried their best to fill up the gap resulting from the closure of the said papers in the course of free circulation of media and info. ation. During the recent two years, the Parliament was involved in serious debates in the matter of the Iranian Law of the Press as the central point of focus. Finally, the previous parliament, made some amendments to the previous Law of the Press. It seems that the said amendments are somehow restrictive, and for this same reason, during the recent months, the members of the new parliament or Islamic Consultative Assembly have made some attempts for remedying the said limitations and restrictions, an attempt which has not been fruitful by now.

During the past three years, independent institutions like Islamic Human Rights Commission have strengthened and broadened their scope of activities; the press

guild association has emerged as a solemn and earnest institution in Iran. This matter by itself empowered the course of supervision and observation by the said institutions and the reformist political parties, whose activities resulted in providing a better ground for promotion of journalistic affairs.

During the past months, there has been raised a debate among various groups including the parliament, on the requisition for filling up the legal gaps in the matter of proper supervision on the Islamic Republic of Iran Broadcast (Radio & TV) system. The outcomes will normally appear in future.

5. The future prospect in the matter of free circulation of information in Iran, also further stabilisation of freedom of expression, will be dependent on the following facts and events:
   - An attempt should be launched for making a reconciliation among various ideas, which have led by now to a bilateral misunderstanding among the responsible authorities and/or the powerful religious, political and social characters; the current trend will have a negative impact on the course of free circulation of media and information.
   - A comprehensive law should be compiled and codified in the matter of the press as well as the other media, including the IRIB.
   - Civil institutions should be more expanded and strengthened for the purpose of implementing an institutionalized supervision on the performance of the duties by the state centres.
   - The spirit of tolerance and co-existence should be promoted and expanded among various groups of people, causing such process to be more deepened.
   - The state, and specially judicial authorities should be bound to observe the Constitution.
   - The President, in the capacity of the responsible authority in the matter of implementation of the Constitution, should be given and empowered with the required authority in order to be able to make barrier to the process of violation of law.
   - The professional knowledge should be promoted among the people in charge of various media; the media and professionals in the media should be alert in the matter of observation of the religious beliefs and delicacies of the Iranian society.

On the part of my Organization, I would declare that in spite of all eventual costs which may be incurred and the disasters which may occur as the result of the activities by those who violate and infringe the human rights, however, the majority of Iranian nation, including the women and the youth have taken step on a path which has no way to return. Such a national will and intention definitely will follow up its complementing process in spite of all acts of sabotage and illegal reproachments. It will definitely have its impact on events, and in future, most probably, we will witness more stabilisation of freedom of expression in our country. It is attempted that with due observation of the religious norms accepted by majority of people, the utmost enjoyment of legitimate freedoms will become possible. Those who insist on infringement of the rights of people will everincreasingly become isolated in the society. It is hoped that such isolation will lead to their correction or execution of justice after all.

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Item 12 of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

Written statement*/ submitted by the Islamic Women's Institute of Iran, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *2001-3-3*

ENG

One of the most important problems Iranian women face is the not easily changeable and restrictive traditions that have been taken for granted for centuries. Iranian society is a religious society and it's set of views and beliefs concerning women has resulted from a traditional interpretation of religion on the one hand and regional superstitions evolving over centuries of dictatorial rule, one the other. These beliefs and views have penetrated the society the legislature and the women's minds, restricting and impairing women's activities in various realms.

I. Problems grounded in tradition and culture

A few instances of restrictive traditional beliefs are:

1.A woman's most important responsibilities are taken to be housekeeping, taking care of her husband and rearing her children. Women therefore, never reckon their personal aptitudes, their body and spirit worthy of any particular value and attention.

2.Women's behavior is encouraged to be excessively altruistic toward her family.

3.Housework is demanded free of charge, is divided unfairly and is not counted as a form of national product.

4.Housework is demanded on a constant basis and the housewife is deprived of such advantages as going on leave and insurance.

5.Women of give up their education or caress on getting married.

6.Women lack self esteem which itself endorses traditional restrictions.

Naturally, cultural problems cannot be solved in a hurry but require a modification in the conscious outlook of the people and especially in that of the women in this case. The first necessary step to take would be to sensitize the society to women's problems and to enlighten the women themselves to take their problems more seriously. Women's media can play a significant role in this field so to free women from the labyrinth of restrictive tradition, it would help immensely to support and extend women's media. It would also help to acquaint young boys and girls with the realities and problems women face in the society by modifying the role of women in schoolbooks. But most important of all is to move toward a differentiation between the religious view and the traditional view of women.

II. Legal Problems Due to the Inadequacy of Laws

Women's legal problems come next to their cultural and traditional ones. Iranian civil law is based on Islamic jurisprudence and women suffer the inadequacy of laws in some areas. The behavior and demands of Iranian women are undergoing change and the existing laws are often inefficient at

solving women's current problems. As the demands of Iranian women rise the specialists in Islamic jurisprudence and the legislature have come to the conclusion that they must respond and they have actually revised some of the rules including those of divorce and child custody, after reviewing Islamic legislature. Other rules are currently under discussion in parliament such as those pertaining to women's' rights to divorce under desperate conditions.

It must be mentioned though, that because of cultural attitudes women do not take their personal issues seriously enough, therefore, they don't even make full use of the legal rights they currently posses.

III. Relative Solution of the Problem of Illiteracy and Education

In 1971, 5.6% of women living in urban areas and 17.3% of rural women were literate which added up to 25% of the women on the national scale. In the 1996 consensus, 81.7% of urban women and 62.4% of rural women were revealed to be literate which would add up to a total of 74.2% of women on the national scale. 4.9% of the women currently studying in Iran are undergoing higher education. The considerable growth in literacy rates and in the percentage of women accepted in the university entrance exams (52% in 1999 and 54% in 2000) has changed the status of Iranian women; as the number of educated women rises, so does their expectations and demands which in itself generates new issues for women. In Iran university graduates often find it difficult to get employed. This is more seriously felt in the case of women, as male managers prefer employing men rather than women, due to their personal and cultural attitudes. Solving this problem would need serious planning in the field of employment and an increase in job opportunities, especially for women, otherwise, in the near future we will be faced with a group of unemployed women with a higher educational status than men. This would aggravate gender discrimination, increasing women's prejudice against men, and would disturb the balance between men and women both in the society at large and in their families.

IV. The Socio-Political Situation

Before the Islamic Revolution a limited number of women held high governmental posts such as Ministry and membership of Parliament, but this was mainly meant for reasons of ceremony; while after the revolution souci-political activity was taken up by the community of women. They have become more active in establishing Egos and trade unions. Women participate widely in elections, both as candidates and voters, so much so that candidates who can no longer overlook women's influence, include women's issues in their candidacy programs in order to gain higher votes. The rate of female journalists is steadily rising. The quantity of female members of Parliament is increasing and the quality of their participation is now quite considerable.

Changes have developed slowly but effectively during the twenty years since the revolution and women have been gaining a separate identity. Developments in education and employment have led to a greater individuality in women who now participate with greater confidence in social matters. The decreasing rate of childbirth (4.56% from March to September 2000) reveals women's social and intellectual development. However, the most important fact of all is that the women's movement in Iran has been a spontaneous one which is of course continuing with the help of the government who now understands that women's demands are effective ones that cannot be overlooked.

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RIGHTS OF THE CHILD

Written statement*/ submitted by the Islamic Women's Institute of Iran, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 1 0 1 3 1 7 *

ENG

1-Today, we are living in a world that is at the threshold of globalization and is going forward in all areas with remarkable speed. The existence of international agreements and commitment of different nations to them facilitate the process of globalization and provide the appropriate mechanisms for this global movement. Convention on Rights of the Child, which most states have joined it, is an example of these kinds of agreements. This convention calls upon different nations, despite the cultural differences among them, to have common and clear view on children and their rights in order to raise a healthy, informed and free generation.

2-Since growth and development of a society is impossible without an efficient, thoughtful and free human resource, and since training of this resource begins from childhood, paying attention to the children and informing them of their rights are extremely important. Our society, alleged to be a young society, should follow the development programs relying on this creative and high- potential generation, and in order to be a developed country, it should move ahead more rapidly. It is our duty to identify the obstacles to the growth and development and try to remove them. Various articles of the CRC provide us with the general principals required for children's progression and, in our opinion, joining the convention and it's full performance can increasingly evolve the society.

3-Islamic Republic of Iran joined the Convention on Rights of the Child with a reservation. In recent years, especially from the beginning of the presidency career of Mr.Khatami and appearance of new civil organization in different fields, we have made some progresses in recognizing the rights of the child, however, we can not claim that we have wholly performed the convention or have taken great steps to achieve the purposes of the CRC.

4-In the area of controlling the population, which is the first step to respect rights of the child, and, in relation to the children's health that is essential for raising a healthy generation who would be able to protect it's rights relying on physical and mental health, we have increasingly put an end to the sexual discrimination in education at high schools and universities. For instance, more girls have been entered the universities than boys since two years ago.

5-The problem of laboring children has not been solved yet, because of financial problem. Unfortunately, as there is no official and valid statistics, it is almost impossible to illustrate the situation but many children especially little girls do lots of laborious works such as shepherd, carpet weaving and farming in the villages; suburbanites, who have migrated from their villages for some reasons, use the children as a means of making a living.

6-Situated on the route of drug transportation from eastern countries such as Afghanistan to Europe, Iran is seriously involved in the destructive problem of drug abuse and to overcome this dilemma , universal cooperation and planning is required. The problems of addiction and its extreme prevalence not only threaten Iranian young people but also have the most destructive effect on children. These children who are exposed to the increasingly addiction of their parents and people around them,

gradually become drug dealer, drug abuser and, finally, criminal; they also will be abused in different ways even sexually or will be sold as a good. But governmental and non-governmental organization's efforts in relation to this regrettable situation had no desirable result.

7-As young girls suffering from different kinds of sexual discrimination in the family and society do not enjoy legal protection, they escape from homes. This subject as an inevitable fact has been taken into consideration of the governmental authorities and non-governmental organizations. Some runaway girls are found in Tehran daily that a bad and regrettable fate is waiting for them. Although establishment of the centers for gathering these runaway children has been useful action, there are lots of deficiencies in this area.

8-The process of amendment of statutes contradictory to the CRC such as age of puberty and age of marriage encountered with some problems. Article 220, Islamic Code of Penalty, which lays down father and paternal grandfather enjoys immunity from retaliation, is still applicable and children particularly young girls are obliged to obey the wrong traditions and for the lack of legal protection they do not dare to object.

9-It is clear that expressing these issues in international gatherings results from two insights. Firstly, we believe that in the process of globalization, we are part of the world, so hereby we request other countries for cooperation and thinking alike. Secondly, we hope to benefit of other countries' experiences, which were in the same situation but could overcome their problems. We always believe that stating the problem is the first step to find the solution and by ignoring the present problems, they will be more complicated.

10-Islamic Institute of the Women as a non-governmental organization, protecting rights of the women and children, is always trying to recognize the roots of the problems in the society and to tackle them as far as possible. We reach out our hands to those international organizations that are considered as advocates and protector of the world's oppressed children. We also request all international organization including Human Rights Commission and UNISEF to take the situation of our children into consideration and provide us with the appropriate means to improve their life. We think that it is impossible to set forth issues related to children and their rights in isolation from other issues of the society and they have to be considered in a close relationship with other issues. However, we believe that prevention is better than cure and if we start this task from our children with the help of international organization. Perhaps, these healthy people who are informed of these rights can control our society in a better way and be successful in problem solving.

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Fifty-seventh session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Joint written statement*/ submitted by the World Federation of Democratic Youth, a non-governmental organization in general consultative status, and Interfaith International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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Elections in the Sudan

1. During the period 13th – 22nd December 2000, the Government of Sudan has simultaneously organized a new round of presidential and parliamentary elections in the country. The elections were widely contested by pro-multi-party democracy political forces among accusation of electoral irregularities, government misconduct and interference in the election process. Consequently the elections were boycotted by the main opposition political parties in the country including the Umma Party, the Democratic Unionist Party, the Sudanese Peoples' Liberation Movement, the Sudan Communist Party, the Union of Sudanese African Parties and the government's break-away Popular National Congress. Combined together, it is estimated that the followers of the opposing political parties represent more than 90% of the country's population. Independent sources confirmed that the opposition call to boycott the election was largely heeded and only about 5 to 7% of eligible voters have participated in the elections.

2. As expected, incumbent President Lieutenant General Omar Al-Bashir and members of his political party the National Congress have won the elections with large margin from their nearest opponents. According to the General Elections Authority, General Al-Bashir won 86,5% electoral votes at the presidential elections while his political party the National Congress won over 95% out of the 270 geographic constituencies that constitute the country's National Assembly or Parliament. The Parliament chamber is made-up of 360 seats spread all over the country's 26 States. The remaining 90 members of Parliament represent interest groups including students, youth, women and professionals. They are to be appointed by the President of the Republic. The General Elections Authority indicated that elections were not held in 24 Electorates in the southern, south-eastern and eastern parts of the country for security reasons. The Elections Ordinance and the current Constitution empower the President to appoint legislators to represent such constituencies.

3. The holding of elections does not represent democracy and cannot be considered an end in itself, but it represents an important step for the realization of a fair and democratic rule. Furthermore, the holding of elections as a democratic step strongly linked with the modern concepts of human rights and fundamental freedoms means more than ballot boxes and electoral lists. It requires a number of necessary measures to be taken by governments to ensure a fair and conducive atmosphere for the holding of true and genuine elections in which all citizens participate without discrimination. Article 21 (3) of the Universal Declaration of Human Rights states that "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage … ".

4. The current situation of political freedoms in the Sudan is still catastrophic as systematic violations of human rights and fundamental freedoms against political opponents are continuing unabated including unlawful killings, torture, arbitrary arrests and detention without charges or trial. One of the recent incidents occurred on 6th December 2000, when the government security forces stormed a private gathering where seven leading Sudanese opposition figures of the National Democratic Alliance and the US Political Officer in Khartoum Mr. Glenn Warren were in attendance. The seven persons were immediately arrested and Mr. Warren was expelled from Sudan. At least four lawyers including the human rights crusader Mr. Ghazi Suleiman, Sattie Ahmed Al-Haj, Al-Hadi Ahmed Osman and Mr. Ali Mahmmoud Hassanien were also arrested and detained for sending a memorandum to the Minister of Justice questioning the legality of the arrest of these persons. Following this incident the Ministry of External Relations instructed all foreign diplomats not to meet with members of opposition political parties unless such meetings are sanctioned by official government channels. The rights of women are under continuing attack from the government. The last straw in the government's persistent denial of women's rights was the law

introduced in September 2000 by the governor of Khartoum State forbidding women from working as petrol stations attendants and in hotels and restaurants.

5. The country is still under a state of emergency regulations which allows the government sweeping powers to deal with the opposition and commit all sorts of human rights violations with impunity. On 31st December 2000 General Al-Bashir issued a Presidential Decree extending the state of emergency for one more year. In addition a number of repressive laws incompatible with Sudan's obligations under international human rights treaties and which severely curtail the rights and fundamental freedoms of the Sudanese people are still in place despite calls for their abolition even from some government's officials. They include the National Security Act, the Trade Union Act of 1992 and the notorious Public Order Act. Large parts of the country are under armed conflict and civil unrest as the case with Southern Sudan, the Nuba Mountains, the Blue Nile Area, Eastern and Western Sudan. In Resolution A/C.3/55L.51/Rev.1 of 8th November 2000, the UN General Assembly deplored the situation of human rights in the Sudan in particular the " Precarious conditions of detention, frequent use of torture, arbitrary detention, interrogations and violations of human rights by the security organs" and expressed concerns over "Acts of intimidation and harassment against the civilian populations" and "Restrictions on freedom of religion ... obstacles to the freedom of expression, association and peaceful assembly".

6. In light of the foregoing it is all too logical that the main political parties in the country have boycotted the elections and called upon the government to solve the country's major challenges by restoring political freedoms, negotiating a peaceful resolution of the armed conflict and national reconciliation and taking up the necessary political and legal measures conducive to a healthy democratic exercise before the organizing of polls. As a direct result of the boycott by opposition political parties, the Election Authority declared that 20% of government candidates winners even before the holding of polls because they stood unchallenged in the absence of any other candidates. This figure has increased to over 35% at the beginning of election as many among the few independent candidates were forced by government's agents to denounce their candidature and abandon the parliamentary race.

7. Taking into account the fact that the elections were boycotted by the main opposition parties as well as the fact that the elections were not held in about 35% of the country's territory or have not taken account of the large number of internally displaced persons estimated at about 4 millions forces us to question its fairness and representative nature. This casts a plausible shadow of doubt about the legitimacy and accuracy of these elections. According to the General Elections Authority 107,393 Sudanese expatriates have cast their votes out of the estimated 6 millions such expatriates. This indicates that the government's confirmation of the participation of 65,5 % of the country's 12 million eligible voters is sheer rhetoric and cannot be reckoned to. As such the recent elections in Sudan can best be described as a further attempt to consolidate the totalitarian regime of General Al-Bashir which has reigned over the country since 30th June 1989.

8. As such the political situation in the country falls short of the requirements for the holding of affair and genuine elections as required by Article 25 (a), (b) and (c) of the International Covenant on Civil and Political Rights to which the Sudan is a State Party and which asserts that "Every citizen shall have the right and opportunity, ... without unreasonable restriction; (a) To take part in the conduct of public affairs, directly or through freely chosen representative; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and (c) To have access, on general terms of equality, to public services in his country".

9. However, the elections were held amidst widespread accusation of irregularities and government interference expressed by opposition parties, independent candidates and observers alike. According to the Sudan Human Rights Organization, some of the irregularities associated with the elections can be summarized in the following:

1. The legitimacy of the General Election Authority, which acts as the elections watchdog, is challenged because of the lack of sufficient constitutional safeguards to ensure its independence and impartiality. According to Article 128 (1) of the government designed Constitution, the Election Authority is accountable to both the President of the Republic and to the National Assembly (Parliament). The Parliament is actually non-existent, as the President has dissolved it since 12th December 1999. Consequently the President office exercised the ultimate power over the Elections Authority.

2. The President of the Republic to whom the General Elections Authority is accountable is one of the Presidential candidates and head of a political party (National Congress) which has competed for the elections. This fact alone undermines any objectivity and impartiality required by the Authority.

3. Article 21 of the Election Ordinance states that government officials should resign their public functions before running for elections. At the time of election, Lieutenant General Omar Al-Bashir was an active army officer and did not resign his post which represent a serious violation of the Election Ordinance.

4. Elections were associated with massive misuse of State power by top government officials who used government apparatus in support of election candidates belonging to the government party the National Congress. They were also accused of using security forces to harass and intimidate other independent parliamentary candidates or their agents to the extent that some candidates were arrested while others were expelled from election centers. One candidate requested the lifting of immunity of two senior government officials to enable him sue them for alleged irregular electoral conduct and for using their government positions to influence voters. Mr. Mubarak Ali Jadallah who ran for Shendi constituency (Nortehrn Sudan), accused Dr. Al Tayib Ibrahim Mohammed Khair his election competitor and the President's Security Advisor together with Majzoub Al-Khalifa the Governor of Khartoum State for such misconduct.

5. Intimidation and blackmailing of independent candidates to force them denounce their candidature for the benefit of government candidates. One independent candidate has tabled a complaint in Khartoum against some leading government officials who forced him to denounce his candidature for Parliament.

6. Large scale rigging of election results especially in the remote areas in the countryside was reported. It seems that the alleged irregularities were committed by government agents because of the large number of Election Centers estimated at more than 100,000. In Election Centers No. 3 and No. 15 at Constituency No. 17 (Omdurman) ballot boxes were left unsealed. In al-Masseed area (South of Khartoum) it was reported that Election Officers asked voters to use pencils to cast their votes.

7. Large scale rigging of elections lists or the absence of such lists was widely reported. On the fifth elections-day, the Election Authority allowed Election Committees to amend the election lists in an attempt to take account of the missing names, which created an opportunity for rigging and irregularities.

8. In some electorates especially in the remote areas of Southern Sudan widespread rigging was reported as governments agents totally controlled Election Centers in the absence of independent observers or representatives of other candidates. It was reported that government's candidates in the areas of Wau and Raja in southern Sudan have scored votes that are much more higher than the number of inhabitants of the areas concerned. As a result of complaints about these irregularities elections were suspended or cancelled in some Centers such as the case with al-Aliab Electorate in the Rivers State in southern Sudan.

9 Lack of safety and personal security in many geographic constituencies especially in the remote areas. One of the violent election confrontations has resulted in the killing of four persons and the injury of many others in an armed attack against some voters in Soudari area in Kordifan State. In the same area a group of armed persons have robed one of the parliamentary candidates of about 30 million Sudanese pounds.